### **MEMORANDUM**

TO: United States Bankruptcy Court for the Northern District of California, San

Francisco Division

PG&E Corporation and Pacific Gas and Electric Company

Title of Omnibus Objection:

Fortieth Omnibus Objection to Claims (No Liability/Passthrough Claims)

FROM: Martha Gerstner

DATE: November 30, 2020

FILE: Bankruptcy Case No. 19-30088 (DM), Claim No. 3524

SUBJECT: Response to Omnibus Objection

## **Purpose of Memorandum:**

I oppose the disallowance and/or expungement of my Objected to Proof of Claim.

This memorandum provides details of the work performed by PG&E, the problems that ensued as a result of that work, and a history of the property and rainfall occurrences that support my claim that PG&E is responsible for the damage caused by incorrect grading and sloping of the pipeline easement at 163 Via La Cumbre, Greenbrae, California.

The Bankruptcy Court should not sustain the Omnibus Objection for the reasons described below.

#### **Facts and Assumptions:**

There is a 10-foot gas transmission easement that runs parallel to my house. In August 2014 excavation work began to hydrotest these high-pressure steel gas transmission pipelines. Over a period of 4-months work crews excavated two large craters that measured approximately 15x15 ft wide and 15 feet deep and required retaining walls. See Exhibit A. The scope of work changed drastically when they sent a scanning tool through the line and found a "huge gash in the line that needed to be addressed for pipeline safety." See Exbhibit B. Ultimately a third crater was dug in the front of the house to repair and resolder a final section of the pipeline. Eventually the work concluded, and the excavation holes were backfilled but not to the initial levels.

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In the months that followed there was little rain and California continued to experience Its longest duration of drought<sup>i</sup> which ended March 2019. Since there was little to no rain over this span of time the problem that eventually arose, from the negative grading and slope towards the house, was not apparent. Ultimately it was two atmospheric rivers<sup>ii</sup> in January and February 2019<sup>iii</sup> that caused significant runoff to flood the garage and basement. See Exhibit C. My family has owned and occupied this house since 1958 and up until this point in time there has never been negative drainage or flooding. To provide perspective, occurrences of historic flooding of equal or larger sizes in 1982-1983<sup>iv</sup>, and 1986<sup>v</sup> never caused runoff issues or flooding at the house. A closer observation of the backfill work done by PG&E shows negative grading and sloping towards the house. There are also visible dips in the soil which indicate compaction concerns. Backfilling trenches containing utility lines involves special techniques and considerations. An engineer was consulted, and their recommendation was for additional backfill and compacting in layers to raise easement to original level and grade to direct water away from the house. Consider addition of swale or French drain that ties into existing drainage system.

#### Conclusion:

For 56 years, flooding in my garage and basement from hillside runoff did not occur. Flooding began after the 2014 excavation work done by PG&E, therefore PG&E is responsible for the flooding that has occurred since then and is responsible for the costs to regrade the easement. In addition to the Exhibits that are provided I can provide an eyewitness to the flooding that occurred.

I declare under penalty of perjury that the information provided here is personal knowledge of relevant facts that support my claim.

# Sources Consulted:

- See footnotes below
- Westward Builders, LLC
- Linscott Engineering Contractors

martha gustner

- HomeAdvisor.com
- https://www.thebalancesmb.com/how-to-backfill-foundations-and-trenches-844871
- <a href="https://theconstructor.org/practical-guide/sequence-of-works-for-excavation-and-backfilling/7370/">https://theconstructor.org/practical-guide/sequence-of-works-for-excavation-and-backfilling/7370/</a>

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i https://www.drought.gov/drought/states/california

ii https://sanfrancisco.cbslocal.com/2019/02/13/powerful-atmospheric-river-roars-into-bay-area-mudslides-flooding-torrential-downpours/

iii https://www.marinij.com/2017/01/31/marin-has-wettest-january-in-more-than-20-years/

iv https://pubs.usgs.gov/wri/1988/4236/report.pdf

<sup>&</sup>lt;sup>v</sup> https://www.courts.ca.gov/documents/s172199\_4respo1.pdf

## **Exhibit A**





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## **EXHIBIT B**

Subject RE: Driveway repair

From Lucas, Chelsea <C2LC@pge.com>

To Marti <mma@sonic.net>

Date 2014-10-30 09:59

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### Hi Martha,

I spoke with Derek Clifford, our Project Manager and we both agree to paying to repave your driveway for you. We understand this has been a large inconvenience to you and for that we are sorry. Once this project is complete we will move forward with paving your driveway.

While speaking to Derek I got some answers as to why the scope of work changed so drastically. He said that when we sent a scanning tool through the line after we took it down, we found a huge gash in the line that needed to be addressed for the pipelines safety. It looks like it showed up on the line as mechanical damage, and if we had not pre-inspected this side, we would not have known about it.

Please let me know if you have any questions or concerns.

Thanks.

#### Chelsea Lucas, RWA

From: Marti [mailto:mma@sonic.net]

Sent: Wednesday, October 29, 2014 2:57 PM

To: Lucas, Chelsea

Subject: RE: Driveway repair

Thanks Chelsea. I want the underground gas facilities to be safe too!

On 2014-10-29 14:14, Lucas, Chelsea wrote:

Hi Martha,

I deeply apologize for any inconvenience this has caused you. I can imagine the work has had a major impact on you and your property. Let me speak with my project manager and come up with some ideas to mitigate the driveway damage in particular. I will get back to you within a few days. Our goal is to make sure our underground gas facilities are safe for all, but I am sorry this work has turned into a much larger scope than originally anticipated.

Thank you for your continued patience,

#### Chelsea Lucas, RWA

Right of Way Consultant | Pacific Gas and Electric Company
6111 Bollinger Canyon Road | 3<sup>rd</sup> floor 3410H | San Ramon, CA 94583

(925) 328-5026 | 7 (925) 328-5189

From: Marti [mailto:mma@sonic.net]
Sent: Wednesday; October 29, 2014 2:02 PM Filed: 12/01/20 Entered: 12/02/20 07:26:03 Page 7 of

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To: Lucas, Chelsea

**Subject:** Driveway repair

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### Hi Chelsea.

The size and scope of the side yard excavation turned in to a much larger project than originally discussed. I did not anticipate the third cave-sized hole that required partial removal of my driveway, and the roadway, or the extra backhoes that parked in my driveway and in front of my house for 2 weeks or the temporary fencing stacked on the driveway each day. The dust, the dirt, and lack of driveway use is wearing on me and I see the new completion date has been extended to December 10. In addition the noises from he jackhammers, air compressors, and large equipment has made it extremely difficult to concentrate when working from home. (They are currently pounding the dirt with the backhoe and the walls are vibrating.) I am mostly distressed by the amount of repair work and time that will be required to get my property back into functional use and one of my biggest concerns is how the driveway will be repaired. If you just repair the portion that was removed the unmatched third generation of poured concrete will create an esthetically unappealing patchwork effect. For best results I will need to make improvements beyond the scope of the demolition so I'd like to discuss the degree of reparation for the driveway repair.

Thanks. Martha Gerstner (formerly Alvarado)

PG&E is commi ed to protec ng our customers' privacy.

To learn more, please visit h p://w w w.pge.com/about/company/priva cy/customer /

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To learn more, please visit <a href="http://www.P-ge.com/a bout/comP-a nv.LP-rivacv./customer/">http://www.P-ge.com/a bout/comP-a nv.LP-rivacv./customer/</a>

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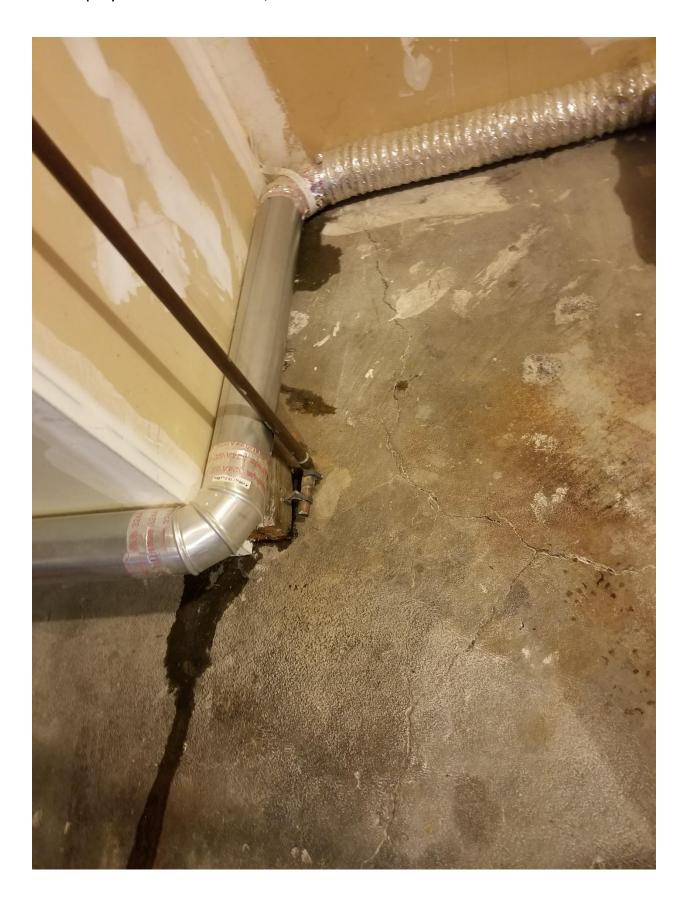
## **Exhibit C**



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